

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/519772

INTERNATIONAL APPLICATION NO.

PCT/DE2003/001284

INTERNATIONAL FILING DATE

16 April 2003

PRIORITY DATE CLAIMED

27 June 2002

TITLE OF INVENTION

SURGICAL INSTRUMENT

APPLICANT(S) FOR DO/EO/US

FUCHS, Ernst

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
- a. ☒ is attached hereto (required only if not communicated by the International Bureau).
- b. ☒ has been communicated by the International Bureau.
- c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
- a. ☐ is attached hereto.
- b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
- a. ☐ are attached hereto (required only if not communicated by the International Bureau).
- b. ☐ have been communicated by the International Bureau.
- c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
- d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Int'l Preliminary Examination Report

"Express Mail" mailing label number ED 282855551 US

Date of Deposit December 24, 2004

I hereby certify that this paper is being deposited with the U.S. Postal Service "Express Mail-Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addresseed to: Hon. Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Edwin D. Schindler, Reg. No. 31,459

December 24, 2004

Date

122404

15866 U.S. PTO

U.S. APPLICATION NO. <b>10/519772</b> INTERNATIONAL APPLICATION NO. <b>PCT/DE2003/001284</b>				ATTORNEY'S DOCKET NUMBER	
21. <input checked="" type="checkbox"/> The following fees are submitted: <b>Basic National Fee - \$300.00</b> <b>BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)): Search Fee - \$500.00</b> Neither international preliminary examination fee (37 CFR 1.482) Exam. Fee nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO - <b>\$200.00</b> and International Search Report not prepared by the EPO or JPO. <del>XXXXXX</del>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO <del>XXXXXX</del>  International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO <del>XXXXXX</del>  International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) <del>XXXXXX</del>  International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) <del>XXXXXX</del>  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				<b>CALCULATIONS PTO USE ONLY</b>          <div style="display: flex; justify-content: space-between;"> <span>\$ 1,000.00</span> <span></span> </div>	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ -0-	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	20 - 20 =	-0-	x \$18.00	\$ -0-	
Independent claims	3 - 3 =	-0-	x \$84.00	\$ -0-	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$ -0-	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 1,000.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ - 500.00	
<b>SUBTOTAL =</b>				\$ 500.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ -0-	
<b>TOTAL NATIONAL FEE =</b>				\$ 500.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ -0-	
<b>TOTAL FEES ENCLOSED =</b>				\$ 500.00	
				Amount to be refunded:	\$
				charged:	\$
a. <input checked="" type="checkbox"/> A check in the amount of \$ <b>**500.00</b> to cover the above fees is enclosed.  b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed.  c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>19-0450</b> . A duplicate copy of this sheet is enclosed.  d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO:  <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <b>Edwin D. Schindler</b>            Five Hirsch Avenue            P. O. Box 966            Coram, New York 11727-0966         </div> <div style="width: 45%; text-align: right;">             SIGNATURE  <b>Edwin D. Schindler</b>            NAME  <b>31,459</b>            REGISTRATION NUMBER         </div> </div>					